

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION,)	
ON ITS OWN MOTION,)	
-VS-)	
CRYSTAL CLEAR WATER COMPANY)	DOCKET No. 01-0488
Citation for failure to comply with)	
Commission order)	
)	
ILLINOIS COMMERCE COMMISSION,)	
ON ITS OWN MOTION,)	
-VS-)	
HIGHLAND SHORES WATER COMPANY)	DOCKET No. 01-0489
Citation for failure to comply with)	
Commission order)	
)	
ILLINOIS COMMERCE COMMISSION,)	
ON ITS OWN MOTION,)	
-VS-)	
McHENRY SHORES WATER COMPANY)	DOCKET No. 01-0490
Citation for failure to comply with)	
Commission order)	
)	
ILLINOIS COMMERCE COMMISSION,)	
ON ITS OWN MOTION,)	
-VS-)	
NORTHERN ILLINOIS UTILITIES, INC.)	DOCKET No. 01-0491
Citation for failure to comply with)	
Commission order)	
)	

ILLINOIS COMMERCE COMMISSION,)	
ON ITS OWN MOTION,)	
-VS-)	
WONDER LAKE WATER COMPANY)	DOCKET No. 01-0492
)	
Citation for failure to comply with)	
Commission order)	

**REPLY OF THE STAFF WITNESSES
TO OBJECTION TO STAFF'S MOTION**

Now come the Staff Witnesses of the Illinois Commerce Commission by their attorney, James E. Weging, and reply to the Objections of the Respondents to Staff Witnesses' Motions to Take Administrative Notice in each of the above cases.

1. In Staff Witnesses' Motions in each of the above dockets, administrative notice was sought of the entire exhibit of the respective companies from the earlier citation cases.

2. Section 200.640 (a) (2) of the Commission Rules of Practice provides that exhibits from docketed Commission proceedings can be noticed. Although Subsection (b) discourages "requests for administrative notice" of exhibits, *inter alia*, Subsection (b) does not bar such administrative notice.

3. Section 200.640 of the Commission Rules of Practice is a notice provision to the other party of the intent to take administrative notice. See Subsection (c). There is no requirement within Section 200.640 that the "basis" or the reason for the request be given within the document.

4. As indicated in the Objection, through oral conversation between counsels, Staff Witnesses' interest in taking administrative notice in each of

the above cases is the agreement of each of the respective companies to undertake the adjustments and recommendations imposed in those prior citation dockets. Beyond the quoted statement given in Paragraph 5 of its Objection from page 3 of Staff Ex. 7.0 in each of the cases, Staff Witnesses also would want noticed the last sentence of the penultimate answer, which begins “It is my hope...” which is on page 4 of Staff Ex. 7.0 in each of the cases. In view of the Respondents’ Objections, Staff Witnesses will agree that the rest of Staff Exs. 7.0 need not be noticed administratively.

5. In Paragraph 6 of their Objections, the claim is made that the Respondents’ evidence was limited to that docket. No such limitation is shown in the respective Staff Exs. 7.0 or is known to Staff Witnesses in those earlier citation dockets. However, even if such a limitation did appear, it would have no bearing in the present proceedings since the present citation cases are directed to the failures of the respective Respondents to comply with the previous citation orders.

6. The respective Respondents’ agreement to undertake the various service and operation requirements is clearly relevant to the issues in the present citation cases which is to determine if each of the respective Companies “is unable or unwilling to provide safe, adequate, or reliable service, no longer possesses sufficient technical, financial, or managerial resources and abilities to provide safe, adequate, or reliable service, or has failed to comply, within a reasonable period of time, with an order of the Commission concerning the safety, adequacy, efficiency or reasonableness of service.” Staff Ex. 7.0 rebuts the evidence of the respective Respondents that, *inter alia*, the Respondents did not need to undertake meter testing programs, meter installation or replacement programs, or 8-inch main replacement programs, to establish and maintain continuing

property records, to make quarterly reports concerning meters and repayment of improperly collected money, to repair and replace hydrants, to install new/additional elevated storage tanks, etc. etc. etc.

7. The administratively noticed material also goes to the witness' credibility.

Wherefore the Staff Witnesses of the Illinois Commerce Commission ask that administrative notice be allowed in the above cases.

Respectfully submitted,

/s/

James E. Weging

*Counsel for the Staff Witnesses
of the
Illinois Commerce Commission*

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DOCKET No. 01-0492

NOTICE OF FILING

TO: Parties on Service List

PLEASE TAKE NOTICE that I have, on this 16th day of April, 2002 A.D., filed with the Chief Clerk of the Illinois Commerce Commission, the Reply of the Staff Witnesses of the Illinois Commerce Commission to the Objections of Respondents to Staff Witnesses' Motion to Take Administrative Notice, a copy of which is hereby served upon you.

/s/

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*Counsel for the Staff Witnesses of
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above Notice, together with a copy of the document referred to therein, have been served upon the parties to whom the Notice is directed by first class mail, proper postage prepaid, from Chicago, Illinois on the 16th day of April, 2002 A.D. and by e-mail on the attorneys.

/s/

JAMES E. WEGING

**ICC Docket Nos.
01-0488 – 01-0492
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